

From: MARTIN & FERRARO, LLP (OH)

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PATENT

Attorney Docket No. 101.0042-05000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Confirmation No.: 7210
Gary Karlin Michelson)
Serial No.: 10/098,683) Group Art Unit: 3731
Filed: March 15, 2002) Examiner: Melanie Ruano Tyson
For: SPINAL IMPLANT CONTAINING)
MULTIPLE BONE GROWTH)
PROMOTING MATERIALS.)
(as amended))

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO OFFICE ACTION

In reply to the Office Action of September 28, 2007, the following remarks are submitted.

In the Office Action, the Examiner objected under 35 U.S.C. § 132(a) to amendments to the abstract included in Applicant's Office Action Response of June 18, 2007. In doing so, the Examiner indicates that "the added material which is not supported by the original disclosure is as follows: In one embodiment, the bone growth promoting material includes a liquid fusion promoting material and a solid fusion promoting material other than bone provided in at least one portion of the hollow interior to promote growth from adjacent vertebral to adjacent vertebral body through the implant." Similarly, the Examiner rejected claims 54-65, 67-78, and 104-106 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In doing so, the Examiner targeted the amendments to claims 54, 67, and 104-106 included in the Applicant's Office Action Response of June 18, 2007. According the Examiner, "Applicant failed to disclose a liquid fusion promoting material and a solid fusion promoting material at the time the application was filed (see claims

Reply 12-19-07.doc